IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 24921 of 2004

Between:

K. Vinod Kumar, S/o. K. Bhadrayya,
R/o. Vinayak Nagar, Balanagar, Ranga Reddy District.

..... PETITIONER

AND

1 The Commissioner of Prohibition & Excise, Nampally Station Road, Hyderabad.
2 The Deputy Commissioner of Prohibition & Excise, Hyderabad Division, Hyderabad.
3 The Inspector of Prohibition & Excise Department, Uppal.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or writ one in the nature of Writ of Mandamus, declaring the action of the 3rd respondent in registering the case in Crime No.296 of 2004 dt. 21-11-2004, and releasing the vehicle as arbitrary, illegal, unjust and violative of principles of natural justice and consequently direct the respondents to release the Auto bearing No. AP 11 U 7919 and pass such other order or orders

Counsel for the Petitioner:SMT.N.SHOBA

Counsel for the Respondent No.: GP FOR PROHIBITION & EXCISE

The Court at the stage of admission made the following :

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ORDER:

The petitioner's vehicle bearing Registration No. AP 11 U 7919 was seized by the 3rd respondent on 21-11-2004, for certain irregularities. The seizure was effected under Section 34(9) of A.P. Excise Act. The grievance of the petitioner is that the respondents have not yet released the vehicle.

Heard the learned counsel for the petitioner and learned Government Pleader for Prohibition and Excise.

As no purpose would be served by keeping the vehicle in the custody of the respondents and the vehicle would only get damaged, the writ petition is disposed of, directing the respondents to forthwith release the vehicle to the interim custody of the petitioner subject to the petitioner depositing Rs.5,000/- (Rupees five thousand only), and on filing an undertaking that he would produce the vehicle as and when the same is required by the respondents in the course of enquiry and investigation. There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.30-12-2004.

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Note:

Office to furnish copy

In two days.

(B/O) *KO*

To

1 The Commissioner of Prohibition & Excise, Nampally Station Road, Hyderabad.
2 The Deputy Commissioner of Prohibition & Excise, Hyderabad Division, Hyderabad.
3 The Inspector of Prohibition & Excise Department, Uppal.

4. 2 CCs to G.P. for Prohibition & Excise, High Court of A.P., High Court Buildings, Hyderabad. (OUT)

5. 2 C.D. copies.

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 24921 of 2004

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Dated 30-12-2004